IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

MAY 2008 GRAND JURY
(Empaneled 05/02/2008)

THE UNITED STATES OF AMERICA

-*vs*-

SEAN McIVER, a/k/a "Raw,"

Defendant.

SUPERSEDING INDICTMENT

09-CR-108-S

Violations:

Title 21, United States Code,
Sections 841(a)(1), 844(a), 846
and 848(a);

Title 18, United States Code,
Section 2

(Five Counts)

COUNT I

The Grand Jury Charges:

On or about the 10th day of February, 2009, at Niagara Falls, New York, in the Western District of New York, the defendant, SEAN McIVER, a/k/a "Raw," did knowingly, intentionally and unlawfully possess with intent to distribute and distribute five (5) grams or more of a mixture and substance containing cocaine base, a Schedule II controlled substance; all in violation of Title 21, United

States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

COUNT II

The Grand Jury Charges:

On or about the 12th day of March, 2009, at Niagara Falls, New York, in the Western District of New York, the defendant, SEAN McIVER, a/k/a "Raw," did knowingly, intentionally and unlawfully possess with intent to distribute fifty (50) grams or more of a mixture and substance containing cocaine base, a Schedule II controlled substance; all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT III

The Grand Jury Further Charges:

On or about the 12th day of March, 2009, at Niagara Falls, New York, in the Western District of New York, the defendant, SEAN McIVER, a/k/a "Raw," did knowingly, intentionally and unlawfully possess in excess of five (5) grams of a mixture and substance containing cocaine base, a Schedule II controlled substance; all in violation of Title 21, United States Code, Section 844(a).

COUNT IV

The Grand Jury Further Charges:

Beginning sometime in or about 2005, the exact date being to the Grand Jury unknown, and continuing up to on or about the 12th day of March, 2009, at Niagara Falls, New York, in the Western District of New York, and elsewhere, the defendant, SEAN McIVER, a/k/a "Raw," did knowingly, willfully and unlawfully combine, conspire and agree with others, known and unknown, to commit offenses against the United States, that is, to possess with intent to distribute, and to distribute, 50 grams or more of a mixture and substance containing cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A); all in violation of Title 21, United States Code, Section 846.

COUNT V

The Grand Jury Further Charges:

Beginning sometime in or about 2005, the exact date being to the Grand Jury unknown, and continuing up to on or about the 12th day of March, 2009, at Niagara Falls, New York, in the Western District of New York and elsewhere, the defendant, SEAN McIVER,

a/k/a "Raw," did knowingly, willfully, intentionally and unlawfully engage in a Continuing Criminal Enterprise, in that he did violate Title 21, United States Code, Sections 841(a)(1), 844(a) and 846, which violations were part of a continuing series of violations of said statutes undertaken by the defendant, SEAN McIVER, a/k/a "Raw," in concert with five or more other persons, known and unknown, with respect to whom the defendant, SEAN McIVER, a/k/a "Raw," occupied a position of organizer, supervisor and manager, and from which continuing series of violations the defendant, SEAN McIVER, a/k/a "Raw," obtained substantial income and resources; all in violation of Title 21, United States Code, Section 848(a).

DATED: Buffalo, New York, September 3, 2009.

> KATHLEEN M. MEHLTRETTER
> United States Attorney

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A TRUE BILL:

S/FOREPERSON
FOREPERSON